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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,062	02/18/2000	John Peter Veschi		8896

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John Veschi
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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/507,062

Applicant(s)

VESCHI, JOHN PETER

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-10,21-32 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10,21-32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1, 2, 8-10, 21-32, 34-40 are currently pending in application 09/507,062.

Claim Rejections - 35 USC § 112

2. **The following is a quotation of the first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 37 and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**
4. Independent Claims 37 and 40 disclose wherein the third party is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror; however, the specification never describes this negative limitation.

5. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 37 and 40 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
7. The applicant has disclosed that the method/system described in Claims 37 and 40 include interaction with a third party that is not one or (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror; however, the claims never clearly describe who/what the third party is.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
3. **Claims 37-40 are rejected under 35 U.S.C. 102(a) as being anticipated by NevadaBusiness.com ("NevadaBusiness.com to Host Online Mayoral Debate." Business Wire April 26, 1999).**
8. As per **independent Claims 37 and 40**, NevadaBusiness.com discloses a method (system) of resolving a dispute, comprising: (a) at least one of a plurality of parties to the dispute (Mayoral Candidates) providing, via an on-line connection (online debate), an input relating to the dispute (answers to questions, spontaneous and pre-set); (b) interaction, directed towards resolving the dispute occurring in substantially real-time, involving at least one of the parties to the dispute (Questions relayed to candidates, in

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online Chat format), and (c) interaction, occurring in substantially real-time, between a third party and at least one of the plurality of parties to the dispute, wherein the third party is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror (Las Vegas Public asks questions directed towards Mayoral Candidates in Chat (RTC) format).

9. As per Claim 38, NevadaBusiness.com discloses wherein steps (b) and (c) occur in substantially the same time (Chat Technology).
10. As per Claim 39, NevadaBusiness.com discloses wherein the substantial real-time interaction is displayed on at least a display (Online Debate displayed through internet – Chat format).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over

NevadaBusiness.com in view of Herz (US 6,029,195).

13. **As per independent Claim 1**, NevadaBusiness.com discloses a method of resolving a dispute (Debate), comprising: at least one plurality of parties to the dispute (Mayoral Candidates) providing, via on-line connection (online debate), an input relating to the

dispute (answers to questions, spontaneous and pre-set); information related to resolution of the dispute being provided, via the on-line connection, to at least one of the parties (Questions relayed to candidates); and providing at least a portion of the input in a publicly accessible on-line form (online debate, chat format, publically accessible) and allowing at least some people who access the on-line form to interact therewith, wherein the step of allowing interaction includes allowing a question of a party in the dispute (Las Vegas Citizens can ask questions through online chat).

14. NevadaBusiness.com fails to expressly disclose wherein the publicly accessible on-line form includes a dispute related advertising field including an advertisement that is selected by a computer-based system.

15. Herz teaches real time profiling of user dialogs in a text chat session, in order to provide advertisements, which are relevant to the nature of the content being discussed (C7 L44-51, C67 L47-54).

16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the publicly accessible on-line form includes a dispute related advertising field including an advertisement that is selected by a computer based system, as disclosed by Herz in the system disclosed by NevadaBusiness.com, for the advantage of providing a method of interactively settling disputes with the ability to create additional sources of income by providing user customized (target profiling) advertising (Herz: C7 L44-51, C67 L47-54).

17. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over NevadaBusiness.com in view of Herz, in and further in view of Sloo (US 5,895,450).

18. As per Claim 2, NevadaBusiness.com and Herz fail to expressly disclose at least one of the parties providing payment information for use in obtaining a fee associated with the service of providing the resolution related information.
19. However, Sloo discloses collecting payment information from users of a dispute resolution system (Sloo: C12 L15-24).
20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the publicly accessible on-line form includes a dispute related advertising field including an advertisement that is selected by a computer based system, as disclosed by Sloo, in the system disclosed by Herz in the system disclosed by NevadaBusiness.com, for the advantage of providing a method of interactively settling disputes with the ability to maintain the system/method as a source of income by providing charging users for the business service.
21. **Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over NevadaBusiness.com, in view of Sloo, and further in view of Siefert (US 5,904,485).**
22. As per **independent Claim 9**, NevadaBusiness.com discloses a method of resolving a dispute, comprising: at least one of a plurality of parties to the dispute (Mayoral Candidates) providing, via an on-line connection (online debate), an input relating to the dispute (answers to questions, spontaneous and pre-set); information related to the resolution of the dispute be provided, via the on-line connection, to at least one of the parties (Questions relayed to candidates); providing at least a portion of the input in a publicly accessible on-line form (online debate, chat format, publically accessible) and

allowing at least some people who access the on-line form to interact therewith (Las Vegas Citizens can ask questions through online chat).

23. NevadaBusiness.com fails to expressly disclose allowing at least some people who access the on-line form to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts, wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions, and wherein the person is provided another set of questions from a larger set of questions if the person does not answer a predetermined number of the questions correctly
24. However, Sloo does teach pre-qualifying the judge and jurors in a dispute resolution system (C8 L5-18), and Siefert further teaches assessing the knowledge level of a user, providing education material to the user, and *re-assessing* the knowledge level of the user (Abstract, C7 L18-25, C9 L58-60, C15 L51-67, C16 L1-19, C19 L32-35, C20 L1-15, Fig.2-3).
25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions, as disclosed by Siefert, in the system disclosed by Sloo, in the system disclosed by NevadaBusiness.com, for the advantage of providing a method of interactively settling disputes with the help of people qualified (and/or re-qualified if needed) to have intelligent interaction within the system, thereby reducing ineffective communication/resolution between parties involved.

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26. As per Claim 10, NevadaBusiness.com, Sloo, and Siefert disclose providing educational information to the person prior to providing another set of questions (Siefert: Fig.2, lesson/assessment cycle).
- 27. Claims 23, 25-27, 29, 32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over NevadaBusiness.com in view of Herz.**
28. As per independent Claim 23, NevadaBusiness.com disclose a method of resolving a dispute, comprising: at least one of a plurality of parties to the dispute (Mayoral Candidates) providing, via an online connection (online debate), an input relating to the dispute (answers to questions, spontaneous and pre-set); and interaction directed towards resolving the dispute occurring in substantially real-time between at least one of the parties to the dispute and another person (Online debate in Chat format), wherein the substantial real-time interaction is displayed on at least a display (Online debate relayed over the internet to Public).
29. NevadaBusiness.com fails to disclose wherein the display includes a dispute related advertising field including an advertisement that is selected by a computer-based system.
30. Herz teaches real time profiling of user dialogs in a text chat session, in order to provide advertisements, which are relevant to the nature of the content being discussed (C7 L44-51, C67 L47-54).
31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the display includes a dispute related advertising field including an advertisement that is selected by a computer based system, as disclosed by Herz in the system disclosed by the system disclosed by

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NevadaBusiness.com, for the advantage of providing a method of interactively settling disputes with the ability to create additional sources of income by providing user customized (target profiling) advertising (Herz: C7 L44-51, C67 L47-54).

32. As per Claim 25, NevadaBusiness.com and Herz disclose wherein the other person is a third party other than one of the parties to the dispute (NevadaBusiness.com: Las Vegas Public)

33. As per Claim 26, NevadaBusiness.com and Herz disclose enabling another third party to view the dispute and enabling the other third party to interact with the parties (NevadaBusiness.com: Public able to ask questions of Debate Candidates through Chat format).

34. NevadaBusiness.com and Herz fail to expressly disclose enabling another third party to view the dispute without enabling the other third party to interact with the parties.

35. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to simply turn off the Public "Chat" access, wherein the public could view the debate interaction between the Mayoral candidates and the moderator, for the advantage of increasing the efficiency of the debate, and removing any chance of offensive or inappropriate input by outside users.

36. As per Claims 27, NevadaBusiness.com and Herz disclose wherein the interaction comprises a question directed to the at least one of the parties (NevadaBusiness.com: Las Vegas Citizens can ask questions through online chat).

37. As per Claim 29, NevadaBusiness.com and Herz fail to expressly disclose wherein the input is in written form (NevadaBusiness.com: Chat format).

38. As per Claim 32, NevadaBusiness.com and Herz disclose providing, via the on-line connection, information related to resolution of the dispute to at least one of the parties (NevadaBusiness.com: Candidate answers to questions).
39. As per Claim 34, NevadaBusiness.com and Herz disclose wherein a computer-based system manages the interaction between the parties (NevadaBusiness.com: Online debate system accessed through chat/conference link).
40. As per Claim 35, NevadaBusiness.com and Herz disclose wherein the input is related to real-life facts (NevadaBusiness.com: questions related to Nevada issues).
41. As per Claim 36, NevadaBusiness.com and Herz disclose wherein the dispute related advertising field includes an advertisement related to a fact of the dispute (Herz: C7 L44-51, C67 L47-54).
42. **Claim 24 is rejected under 35 U.S.C. 103 as being unpatentable over NevadaBusiness.com in view of Herz.**
43. As per Claim 24, NevadaBusiness.com and Herz fail to disclose wherein the other person is a “juror”.
44. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The dispute resolution method would be performed regardless of the type of “other people” involved in the dispute interaction. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of other people and other people types in the dispute interactions, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

46. **Claim 28 is rejected under 35 U.S.C. 103 as being unpatentable over**

NevadaBusiness.com in view of Herz, and further in view of ZipLink (“ZipLink: Clinton, Dole take off gloves in Cyberspace; Presidential debate broadcasts live for the first time on the Internet; “within seconds of a candidate’s statement, a global discussion of that statement can start,’ says a commentator.” Business Wire, October 1, 1996).

47. As per Claims 28, NevadaBusiness.com and Herz fail to expressly disclose wherein the interaction comprises a vote on which party should prevail.

48. ZipLink discloses an online debate, which allows interaction by the outside public in the way of voting on a candidate’s performance during and directly following the debate.

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the interaction comprises a vote on which party should prevail, as disclosed by ZipLink, in the system disclosed by Herz, in the system disclosed by the system disclosed by NevadaBusiness.com, for the advantage of providing a method of interactively settling disputes with the ability to increase public interaction with the forum, by offering a plurality of interactive formats (questions, comments, polling).

50. Claims 8, 21, 22, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over NevadaBusiness.com in view of Herz, in view of Sloo, and further in view of Siefert.

51. As per Claim 8, NevadaBusiness.com and Herz fail to expressly disclose determining which people that access the online form are permitted to interact therewith based on an assessment of at least one of the person's knowledge, wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions.

52. However, Sloo teaches pre-qualifying the judge and jurors before participating in a dispute resolution system (C8 L5-18), and Siefert further teaches assessing the knowledge level of a user, providing education material to the user, and re-assessing the knowledge level of the user (Abstract, C7 L18-25, C9 L58-60, C15 L51-67, C16 L1-19, C19 L32-35, C20 L1-15, Fig.2-3).

53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions as disclosed by Siefert, in the system disclosed by Sloo, in the system disclosed by Herz, in the system disclosed by NevadaBusiness.com, for the advantage of providing a method of interactively settling disputes with the help of people who have knowledge to settle the dispute, the knowledge determined through a pre-qualifying set of questions.

54. Finally, NevadaBusiness.com, Herz, Sloo and Siefert fail to expressly disclose wherein the assessment assesses the person's knowledge of the law and/or knowledge of the facts.

55. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The dispute resolution method would be performed regardless of the type of assessment used. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
56. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have assessed the user's knowledge of the law and/or knowledge of the facts, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
57. As per Claim 21 and 22, NevadaBusiness.com, Sloo, and Siefert disclose wherein the determining step is based on an assessment (See rejection of Claim 8).
58. However, although Sloo does disclose pre-qualifying the judge and jurors (C8 L5-18), NevadaBusiness.com, Sloo, and Siefert fail to expressly disclose wherein the assessment assesses the person's knowledge of the law and/or knowledge of the facts.
59. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The dispute resolution method would be performed regardless of the type of assessment used. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

60. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have assessed the user's knowledge of the law and/or knowledge of the facts, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
61. As per Claim 30 and 31, NevadaBusiness.com and Herz fail to expressly disclose wherein the determining step is based on an assessment of the person's knowledge of the law and/or knowledge of the facts.
62. However, Sloo does teach pre-qualifying the judge and jurors (C8 L5-18), and Siefert further teaches assessing the knowledge level of a user, providing education material to the user, and re-assessing the knowledge level of the user (Abstract, C7 L18-25, C9 L58-60, C15 L51-67, C16 L1-19, C19 L32-35, C20 L1-15, Fig.2-3).
63. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions as disclosed by Siefert, in the system disclosed by Herz, in the system disclosed by Eisen, in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the help of people qualified (and/or re-qualified if needed) to have intelligent interaction within the system, thereby reducing ineffective communication/resolution between parties involved.

64. Furthermore, although Sloo does disclose pre-qualifying the judge and jurors (C8 L5-18), Sloo, Eisen, Herz, and Siefert fail to expressly disclose wherein the assessment assesses the person's knowledge of the law and/or knowledge of the facts.
65. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The dispute resolution method would be performed regardless of the type of assessment used. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
66. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have assessed the user's knowledge of the law and/or knowledge of the facts, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Response to Arguments

67. Applicant's arguments with respect to Claims 1, 2, 8-10, 21-32, and 34-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

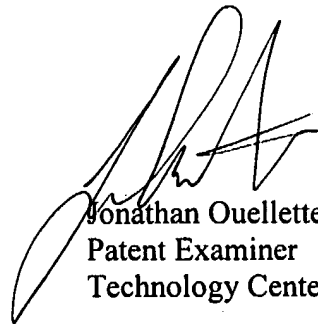
68. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-

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6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

69. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
70. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

January 31, 2006



Jonathan Ouellette
Patent Examiner
Technology Center 3600